

COMMISSION ON VASAP QUARTERLY BOARD MEETING

Friday, September 14, 2012

Minutes

Attendance:

Commission Members:

Delegate Salvatore R. Iaquinto, Chairman
Delegate Jackson H. Miller, Vice Chairman
Senator Richard H. Stuart
Delegate Richard L. Morris
The Honorable James F. Almand
The Honorable George W. Harris, Jr.
The Honorable George D. Varoutsos
Sheriff Michael L. Wade
Ms. Pat Eggleston
Mr. Roy Keith Lloyd
Ms. Susan Marchon

Absent:

Senator Thomas K. Norment
Delegate David J. Toscano
Mr. John L. Saunders

Commission Staff:

Ms. Angela Coleman
Mr. Oscar Brinson
Mr. Christopher Morris
Ms. Linda Johnson
Ms. Sarah Morr
Ms. Brenda Duncan

ASAP Directors:

Ms. Robyn Allen
Mr. Anthony Carmichael
Mr. Daniel Ellis
Ms. Brianna Foulke
Ms. Mary Read Gillispie
Ms. Tammy Goad
Mr. Richard Griffin
Ms. Kathryn Hall
Mr. James Hatcher Johnson
Ms. Victoria Kesler
Mr. Daren Leake
Ms. Carol Powell
Ms. Cindy Sheffield
Ms. Pam Simmons
Ms. Tara Smith

Guests:

Mr. Charles Buffington, III
Ms. Lithia Carter
Ms. Traci Johnson
Ms. Dottie Boulter

Time and Place:

The quarterly meeting of the Commission on the Virginia Alcohol Safety Action Program (VASAP) was held on September 14, 2012 at the General Assembly Building 6th Floor Speaker's Conference Room. The meeting was called to order by Delegate Salvatore Iaquinto.

Welcome:

Everyone in attendance introduced themselves. Delegate Iaquinto thanked everyone for attending the meeting.

Delegate Iaquinto welcomed Senator Stuart as a new member of the Commission.

Delegate Iaquinto commented on the award that Delegate Gilbert would be receiving for his service and dedication to the VASAP Commission. Delegate Gilbert will also receive a plaque with written expressions of gratitude and best wishes from Commission members, Commission staff, ASAP directors and guests.

Approval of Minutes:

A motion was made by Delegate Iaquinto and properly seconded by Judge Harris to approve the minutes from the meeting on June 8, 2012. All were in favor.

Executive Finance Committee Report:

The Executive Finance Committee report was presented by Ms. Susan Marchon.

Ms. Marchon began by stating that the Executive Finance Committee met on September 13, 2012. During the Committee meeting, the certification results for the Chesapeake Bay ASAP Policy Board were reviewed. The Chesapeake Bay ASAP Policy Board has requested assistance from the Commission to bring their program into compliance.

At that time, Ms. Marchon introduced Traci Johnson, Clerk of the Northampton County Circuit Court, who also serves as a member of the Chesapeake Bay ASAP Policy Board. Ms. Johnson stated that once the Policy Board became aware of the conditions at the Chesapeake Bay ASAP, they solicited help from the Commission.

Ms. Johnson thanked the Commission for helping the Chesapeake Bay ASAP Policy Board resolve personnel issues that were discovered during the certification process. Ms. Johnson expressed her sincere appreciation and extended a hearty thank you to Ms. Angela Coleman, the Commission and the Commission staff for their cooperation and open communication. Ms. Johnson is pleased with their progress and will continue to work to resolve issues and keep drunk drivers off the road.

Ms. Johnson stated they were in the process of hiring a new Executive Director. The Policy Board has received some very promising applications and they are in the process of setting up interviews.

Ms. Johnson reported that things are progressing well and they will continue working to achieve certification.

Ms. Johnson again “thanked” the Commission for coming to their aid.

Certification

Ms. Marchon explained the certification process for the newest Commission member, Senator Stuart. She explained that it is required by the *Code of Virginia*, and the VASAP policies and procedures, to assign the Commission to certify ASAPs every three years. Ms. Marchon explained that certification is a complex process in which a team goes to the ASAP office and reviews client files, processes and procedures, and policy manuals as well as other documentation to ensure the ASAP is complying with established Commission policies and procedures. She also explained that the ASAPs are divided into three Regions: the Battlefield Region, the Colonial Region and the Blue Ridge Region.

The last region to go through the certification process was the Blue Ridge Region. The following programs were recommended by the Executive Finance Committee for certification: Central Virginia ASAP, Dan River ASAP, Mount Rogers ASAP, New River Valley ASAP and Valley ASAP. These ASAPs met or exceeded the criteria and any issues they had, they submitted an action plan and the issues have been corrected.

A motion was made to certify the Central Virginia ASAP, Dan River ASAP, Mount Rogers ASAP, New River Valley ASAP and Valley ASAP. The motion was properly seconded. All were in favor.

Two ASAPs from the Blue Ridge Region are being recommended for conditional certification. Both of these ASAPs are experiencing on-going issues. The first ASAP discussed, was the conditional certification recommendation for Court Community Corrections in the Roanoke area. Ms. Marchon noted there were some deficiencies found during their 2008 certification and when the team went back this year, they found some of the issues remain. The team will need to conduct another visit to follow-up on the action plan received to make sure the issues have been corrected. They will be conditionally certified until the December meeting. At which point after the follow-up visit, if all deficiencies and areas of attention have been corrected, recommendation for certification may be made.

A motion was made and properly seconded to conditionally certify Court Community Corrections. All were in favor.

Ms. Marchon stated that Southwest Virginia ASAP certification would be discussed during the Executive session.

Alexandria ASAP

Ms. Marchon provided the Commission with a brief overview and history of the Alexandria ASAP.

Ms. Marchon reported that the Commission continues to operate the Alexandria ASAP. She explained that on March 1, 2011, the Alexandria Sheriff's Office asked the Commission to take control of the ASAP because they were not able to provide the daily operation oversight needed to run the program.

This program had several issues. The Commission had to start the program from scratch. The Commission had to find and secure a building, recruit a board and hire and train personnel. Also, during the initial organization, the Alexandria ASAP was not able to pay their required 3% state share fees.

Ms. Marchon reported for the first time in a long while, the Alexandria ASAP is solvent, they have a Policy Board in place, and they have hired an Executive Director, Ms. Brianna Foulke. They are now able to function on their own with their own Board. Effective January 1, 2013, they will be able to send their required 3% state share fee to the Commission office. Ms. Marchon requested certification of the Alexandria ASAP.

Senator Stuart questioned if it was necessary to set up a new program or could the ASAP be referred to a neighboring program. Ms. Marchon explained the neighboring ASAPs, which are Arlington and Fairfax, were not in the position to undertake a new program. The Arlington ASAP is operated by the Arlington Sheriff's Office. They were unable to take on employees from the City of Alexandria in the County of Arlington. Additionally, pay equity was an issue that could not be resolved. The ASAP is forced to pay the same pay scale to all employees according to the pay scale of the locality. This pay equity issue rendered it unfeasible for the cities of Arlington and Fairfax to operate the Alexandria ASAP. The County of Fairfax did not want to take on the additional financial burden of the Alexandria ASAP. Ms. Marchon also noted that it was the desire of the City of Alexandria to maintain its program in order for the citizens to have access to services and not have to go outside of the city. By setting up the Alexandria ASAP in the City of Alexandria, a salary scale was designed that enabled the rental of office space, the hiring of staff and the management of the program that allowed sustainability.

A motion was made and properly seconded to certify the Alexandria ASAP. All were in favor.

In the Colonial Region, there are three ASAPs that were conditionally certified. These programs are now eligible to receive full certification. They were presented to the Commission in a block. They are: John Tyler ASAP, Peninsula ASAP and Tri-River ASAP. All of these programs were recommended for certification.

A motion was made and properly seconded to certify the above noted programs. All were in favor.

The next region discussed was the Battlefield Region. In the Battlefield Region, the following ASAPs were recommended to receive certification: Bull Run ASAP and the Old Dominion ASAP.

A motion was made and properly seconded to certify the above noted programs. All were in favor.

Budgets:

During the last Commission meeting, conditional certification was recommended for the John Tyler ASAP's budget. Their budget contained names of employees who were no longer employed. They have submitted the necessary paper work to correct the errors and are now being recommended for certification.

Delegate Iaquinto and Ms. Marchon reiterated to the Board how much hard work and thought goes into the certification process. All action plans are reviewed and additional visits by the team occur to verify the action plan is being followed. Delegate Iaquinto stated the "process may be long, but it is necessary". "We need to make sure the people convicted of DUI get the interlock devices in their car(s) and are served by VASAP in a timely manner".

A budget amendment request from James River ASAP was presented. Due to the retirement of the previous director, a new director was hired. Ms. Cindy Sheffield was formerly employed as a case manager with the James River ASAP. As part of the recruitment effort to hire a new case manager, the salary level was adjusted higher. The new salary necessitated a budget amendment of \$ 3,957.29.

Senator Stuart wanted to know why the salary increase was necessary. Ms. Marchon stated "sometimes there is a salary level needed to attract a person to better meet the criteria of the job."

Ms. Sheffield explained that the new case manager opted out of health care coverage; therefore they were able to raise the salary. Senator Stuart wanted to know if we were setting precedence by doing this. Ms. Carol Powell from the Rappahannock ASAP confirmed they had adopted that policy years ago, if an employee opts out of health care coverage and they are covered by another plan they are eligible to receive that amount added to their salary. Ms. Powell added that the salaries in Rappahannock are not competitive and this was a way to attract qualified people.

A motion was made to approve the budget amendment. Sheriff Wade wanted to know why additional money was needed. He wanted to know if we are just moving money from one line item to another. After some discussion, the motion was changed to reflect an increase in salary in the amount of \$ 3,957.29 and a reduction in the health benefit line item by the same amount.

A motion was made and properly seconded to increase the salary in the amount of \$3,957.29 and to reduce the health care line item by the same amount. All were in favor.

Executive Director's Report

Ms. Coleman reported that the Commission continues to provide support to the Chesapeake Bay ASAP. She thanked the directors for their assistance with the Chesapeake Bay ASAP. Directors across the state have consistently come to the Chesapeake Bay ASAP office to assist with case reviews and monitoring. Ms. Coleman expressed her sincere appreciation and stated this is a great example of all stakeholders in the system working together.

Ms. Coleman was pleased to report that the 2012 VASAP Case Management Conference held in August at the Portsmouth Renaissance was a success. Ms. Coleman called on Delegate Miller, Sheriff Wade and Judge Almand who attended the conference to share their thoughts. Judge Almand shared he thought the conference was well run, everyone attended the same sessions and encouraged the rest of the Commission members to take advantage of the learning experience. Delegate Miller stated he was somewhat skeptical of VASAP having a 2 ½ day conference. However, on the first day he heard a very impactful speech from a mother who lost her daughter to a drunk driver. He stated it was the "most impactful speech he had ever heard". The rest of the conference was good, organized and provided professional development for the employees and the directors to see where we are going. Great training tool for the employees who run the ASAP programs. "A job well done". Sheriff Wade agreed with all of the earlier comments. He further added he enjoyed being there with the staff.

Ms. Coleman reported that the Department of Motor Vehicles has authorized additional funding to invite fifty ASAP policy board members to the conference next year. This additional funding will provide policy board members with separate training opportunities. Ms. Coleman added, we have not been able to provide training specifically designed for the Policy Board for a very long time. As soon as the dates and details of the next conference are available, the Commission members will be notified.

A copy of the new 2012 Virginia Freedom of Information Act was distributed to the Commission members. The Consequences of DUI and The new *Code of Virginia* were also given to the Commission members. These materials were given to the Commission members as a tool to assist them during the upcoming legislative session.

Delegate Iaquinto previously requested that the Commission members be updated each meeting with information concerning the service centers and the number of ignition interlock devices being installed.

Mr. Morris stated the number of interlocks installed increased in the state by 114 in the month of July and 339 in the month of August. Ms. Coleman stated she would continue to keep the Commission updated by passing out Interlock program updates at each Commission meeting.

Delegate Iaquinto stated he had anticipated that the numbers for July would be low; however, they were lower than he thought. Ms. Marchon attributed this to the judges only applying the new law to persons arrested after July 1, 2012. Delegate Iaquinto further added that he had received questions and telephone calls asking should this law be applied before July 1, 2012. Delegate Iaquinto stated it was not his position to apply the law for convictions prior to July 1st. Organizations such as MADD expressed their concerns about the law not being applied in June of 2012 to Delegate Iaquinto.

Senator Stuart wanted to know the average wait time for the installation of interlock devices. Mr. Morris stated it was 2-3 business days. Senator Stuart wanted to know if this 2-3 day turn around is a part of the vendor contract. Ms. Coleman stated that although it is not in the contract, Commission staff regularly monitor the turn around time for installations. Ms. Coleman further stated that there is a mechanism in place to assure there is a service center located within fifty miles of each residence and that devices are available continuously. Although we do not anticipate any backlog at this time, we have hired additional staff to stay on top of this issue.

Delegate Iaquinto expressed that the backlog issue is very important to him. He provided a brief overview for the new Commission members concerning issues that happened seven years ago. During that time, VASAP only had one vendor for the entire state. This created a host of issues. During this time, we experienced two week backlogs. It was Delegate Morgan Griffith that realized that by reading the *Code of Virginia*, the Commission was required to have more than one vendor. Ms. Coleman stated that in the past, vendors have been brought before the Commission to share concerns and problems they were experiencing. This may occur again, if necessary. Ms. Coleman advised the ASAP Directors that if anyone is experiencing any problems, to please bring them to the Commission's attention immediately.

Senator Stuart stated he had recently heard that Chesterfield ASAP was experiencing a thirty day wait time on installation of ignition interlock devices. Ms. Kesler, Acting John Tyler ASAP Director, assured Senator Stuart that this was not correct. Ms. Kesler replied to Senator Stuart that she has several vendors within a 2-3 mile radius of her offices. Delegate Iaquinto requested that Ms. Kesler look into the matter and report back to Ms. Coleman.

Delegate Iaquinto inquired about the number of people registering for pre-qualification. The ASAPs responded, not many. Delegate Iaquinto stated that we may need to advertise more. Ms. Marchon stated that a number of attorneys are hesitant to have their clients pre-qualify. Mr. Morris conveyed to the Commission that he has conducted eight or nine training sessions for various public defender offices on the Ignition Interlock program. During the training session, the pre-qualification option is covered and they are given a copy of the relevant codes. Mr. Morris added that within the last two years, only two complaints have been brought before the Commission concerning delayed installations. The first complaint occurred due to the vendor experiencing a death within his family on the morning of the installation, and the second one resulted from the vendor experiencing a breaking and entering where they lost power. Mr. Morris asked the Commission to

please let him know if they became aware of any installation issues. The issues will be dealt with immediately. Ms. Eggleston wanted to know if any vendors were conducting mobile installations. Ms. Coleman responded that the current contract does not allow for mobile installations. Delegate Iaquinto indicated that now would not be a good time for mobile installations, if the current contract did allow such, due to liability concerns and the need to assure quality interlock installations. Ms. Coleman stated that the current contract will expire in 2015.

Ms. Coleman stated that the Commission staff has always been heavily involved in public information education. Over the past year, several police academies and regional training academies have been contacted. Mr. Morris is conducting training on ignition interlock and VASAP procedures in general. Ms. Coleman shared with the Commission a binder was created to present to any law enforcement officer who goes beyond the call of duty in the area of traffic safety. The binder contains all of the relevant codes.

The inserts are available for the directors if they would like to replicate the binder. Ms. Coleman stated she would send them a copy of the inserts if they desired.

The Department of Criminal Justice Services contacted VASAP and stated that they were embarking on a new initiative for standardized field sobriety testing. Ms. Coleman stated that VASAP is happy to support any initiative that has a positive impact on highway safety. To help support their efforts, the following items were purchased and donated to the Department of Criminal Justice Services: 5 alka- sensors, 1 calibration machine and a set of breath tubes.

Delegate Iaquinto thanked Ms. Coleman for all of her hard work.

VASAPDA REPORT (ASAP Director's Association)

Ms. Allen expressed her apologies for Mr. Peele's absence. Ms. Allen stated that many directors were busy this summer preparing for certification. She stated that it is a great experience when the directors in the region get an opportunity to serve on the certification team. It is an opportunity to garner new ideas to make the programs better. Ms. Allen thanked the Commission for all of their hard work in helping the ASAPs to meet state standards. The VASAPDA Executive Board met in Charlottesville and there was some follow-up to complete on committee work. The directors will meet for their fall training conference in Staunton, Virginia on October 17-19, 2012. Ms. Allen thanked the Commission for allowing the directors to be a part of the state training. Ms. Allen stated the Directors found the training helpful.

Legislative Subcommittee

The Legislative subcommittee was appointed. The Legislative subcommittee is comprised of three members. The purpose of the committee is to act as a resource and clearing house for new legislation that may affect the Commission and VASAP. The new members are: Senator Stuart, Delegate Iaquinto and Delegate Miller.

Executive Session

A motion was made and properly seconded to adjourn into Executive Session to discuss legal and personnel matters. All were in favor.

Return to Open Session

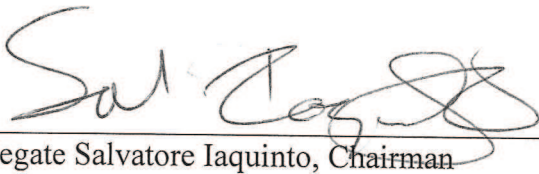
A motion was made and properly seconded that only legal and personnel matters were discussed in Executive Session. All were in favor.

Meeting Dates:

December 7, 2012

Adjournment:

The meeting was adjourned by Delegate Salvatore Iaquinto.

A handwritten signature in black ink, appearing to read "Sal Iaquinto", is written over a horizontal line.

Delegate Salvatore Iaquinto, Chairman